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02-RCA-033

OCT 30 2001

Mr. Tom C. Fitzsimmons, Director
State of Washington
Department of Ecology
P.O. Box 47600
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Mr. L. John Iani, Regional Administrator
U.S. Environmental Protection Agency
Region 10
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Addressees:

HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER (TRI-PARTY AGREEMENT) NEGOTIATIONS AGREEMENT FOR RIVER CORRIDOR PROJECT - AGREEMENT IN PRINCIPLE (AIP)

Enclosed for your approval and signature is an AIP for the Tri-Party Agreement to commence Tri-Party Agreement negotiations for the River Corridor Project. This AIP establishes the expectations and parameters for the conduct of negotiations to develop appropriate Tri-Party Agreement commitments. This AIP has been reviewed and developed in conjunction with members of your staff. Should you have any questions, you may call me, or your staff may call Joel Hebdon, Director, Regulatory Compliance and Analysis Division, on (509) 372-2400.

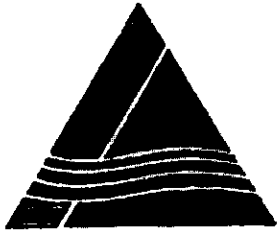
Sincerely,

Keith A. Klein
Manager

RCA:AET

Enclosure

cc: See page 2



Tri-Party Agreement

AGREEMENT IN PRINCIPLE

October 31, 2001

**Tentative Agreement on the River Corridor
Tri-Party Negotiations**

On October 31, 2001, the U.S. Department of Energy (USDOE), U.S. Environmental Protection Agency (EPA), and Washington State Department of Ecology (Ecology) agreed to enter into negotiations in accordance with the Hanford Federal Facility Agreement and Consent Order (TPA). The parties agreed to negotiate cleanup schedules consistent with the common objective to achieve remediation of waste sites and facilities in the Hanford Site 100 and 300 Areas. The parties further agreed to confer with the affected Indian Nations, State of Oregon, stakeholder groups, and the public to obtain and respond to their values and concerns. All three parties agreed to complete public review and sign off any agreed to TPA changes by April 30, 2002.

The Hanford Federal Facility Agreement and Consent Order contains commitments for the USDOE to: (1) by December 31, 2001, establish a date for completion of all the 100 Area Remedial Actions (TPA milestone M-16-00F); (2) by June 30, 2002, establish a date for completion of 300 Area Remedial Actions (TPA milestone M-16-03A); and (3) complete disposition of all 100 Area Surplus Production Reactor Buildings by a date to be determined (TPA milestone M-93-00). The focus of these negotiations is the completion dates for the 100 Area and 300 Area remedial actions, the completion of the surplus reactor interim safe storage (included in M-93-00), and the overall framework for the River Corridor cleanup. It should be recognized that the USDOE has been pursuing a strategy to complete major portions of the River Corridor by 2012. This information that has been developed by USDOE and discussed with EPA and Ecology will serve as the framework for the negotiations.

The USDOE is currently executing a procurement to establish a River Corridor Contract. This contract includes the responsibility to perform the majority of the work that is being addressed in this agreement.

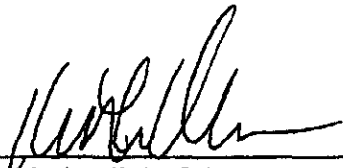
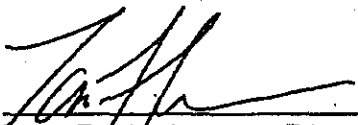
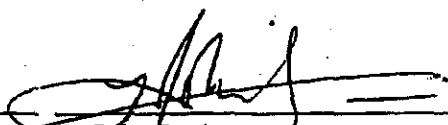
The parties have developed this AIP in order to establish the basis for implementing these discussions and, if negotiations are successful, the follow-on preparation of TPA change packages.

Based on information discussed, the parties have agreed to the following:

- A. Enter into negotiations to determine the scope and to define completion of all 100 Area remedial actions by 2012 including:
- Remediation of waste sites.
 - Decontamination and decommissioning (D&D) of surplus facilities.
 - Interim safe storage of eight of the nine surplus production reactors.

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- B. Enter into negotiations to determine the scope and to define completion of the following elements of the 300 Area remediation:
- Remediation of waste sites "outside the fence," excluding burial grounds 618-10 and 618-11 by 2012.
 - Remediation of waste sites and D&D of surplus facilities "inside the fence" by a date to be negotiated but prior to 2018.
 - Initiation of engineering studies to support completion of the remediation of burial grounds 618-10 and 618-11 by 2018.
- (NOTE: Definition of "outside the fence" and "inside the fence" will be developed and documented in the final Tentative Agreement package.)
- C. Re-evaluate the management and disposition of 300 Area surplus facilities under Section 6, 7, or 8 of the TPA, including certain near-term 324 Building closure plan activities.
- D. Final groundwater remedial action decisions are excluded from these negotiations. Future groundwater decisions shall be required upon completion of source remedial actions and an appropriate period to assess the performance of these actions. —
- E. EPA and Ecology share regulatory authority for activities addressed under this AIP.
- F. The negotiated draft milestone change packages, when completed, shall be available to the public in accordance with the TPA and Community Relations Plan
- G. M-16-00F is due on December 31, 2001. On September 17, 2001, USDOE submitted a change request to delay this milestone. Ecology and EPA denied that request on September 30, 2001. USDOE chose not to dispute this denial. Further dispute processes for the M-16-00F milestone are not available. The M-16-00F milestone shall be considered to be completed on schedule if the parties reach tentative agreement by December 31, 2001, and sign the change package for M-16-00A by April 30, 2002.
- H. M-93-12 is due February 28, 2002, and is included for negotiations under this AIP.


Keith A. Klein, Manager
U.S. Department of Energy
Richland Operations Office
Tom C. Fitzsimmons, Director
State of Washington
Department of Ecology
L. John Iani
Regional Administrator
U.S. Environmental Protection
Agency, Region X

Addressees:
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OCT 30 2001

cc w/encl:

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